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## State Meat Inspection Laws:

*Wisconsin*



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## State Meat Inspection Laws: Wisconsin

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**[Wis. Stat. Ann. § 95.80](#)**

**[Wis. Stat. Ann. § 97.42](#)**

*Current through 2019 Act 184, published March 6, 2020.*

### **95.80. Humane slaughtering**

(1) Definitions. As used in this section:

(a) “Humane method” means:

1. Any method of slaughtering livestock which normally causes animals to be rendered insensible to pain by a single blow or shot of a mechanical instrument or by electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

2. The method of slaughtering, including handling and other preparation for slaughtering, required by or used in connection with the ritual of any religious faith, whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(b) "Livestock" means cattle, horses, swine, sheep, goats, farm-raised deer and other species of animals susceptible of use in the production of meat and meat products.

(c) "Slaughterer" means any person operating a slaughterhouse licensed under s. 97.42, or registered under s. 97.44.

(2) Prohibition. No slaughterer may slaughter livestock except by a humane method.

## **97.42. Compulsory inspection of livestock or poultry, and meat or poultry products**

(1) Definitions. In this section:

(b) "Capable of use as human food" applies to any meat or poultry product unless it is denatured, identified as unfit for human consumption as required by department rules, or is naturally inedible by humans.

(bg) "Captive game animal" means an animal of a normally wild type that is produced in captivity for slaughter and consumption. "Captive game animal" does not include a farm-raised deer, ratite, captive game bird, fish, or an animal that is kept solely for hunting purposes at a hunting preserve.

(br) "Captive game bird" means a bird of a normally wild type that is produced in captivity for slaughter and consumption, including a pheasant, quail, wild turkey, migratory wildfowl, or other bird that the department designates as a captive game bird by rule. "Captive game bird" does not include poultry, ratites, or birds kept solely for hunting purposes at a hunting preserve.

(cm) "Denature" means to intentionally make an item unfit for human consumption by adding a substance to it to alter the item's appearance or other natural characteristics.

(d) "Establishment" means a plant or premises, including retail premises, where livestock or poultry are slaughtered for human consumption, or where meat or poultry products are processed, but does not include any of the following:

1. Establishments subject to 21 USC 451 to 695.

3. Premises of a person who is the owner of the livestock or poultry to be slaughtered or of the meat or poultry products to be processed, if the resulting product is for exclusive use by the owner, members of the owner's household, or the owner's nonpaying guests and employees.

(dm) "Farm-raised deer" has the meaning given in s. 95.001(1)(ag).

(e) "Inspector" means any person employed or authorized by the department to do any work or perform any duty in connection with the department's meat and poultry inspection program.

(em) "Livestock" means cattle, sheep, swine, goats, farm-raised deer, alpacas, llamas, bison, ratites, rabbits, and other species that the department designates as livestock by rule.

(f) "Meat broker" means any person engaged in the business of buying or selling meat or poultry products on commission, or otherwise negotiating purchases or sales of meat or poultry products other than for the person's own account or as an employee of another person.

(fm) "Meat distributor" means a person who is engaged in the business of distributing in this state meat or poultry products at wholesale.

(h) "Meat or poultry products" means any parts, including the viscera, of slaughtered livestock or poultry that are capable of use as human food.

(i) "Mobile processor" means a person, other than the owner of the livestock or poultry being slaughtered or the meat or poultry products being processed, who slaughters livestock or poultry or processes meat or poultry products for the general public for compensation other than the trading of services on an exchange basis, and conducts the slaughtering or processing at the premises of the owner of the livestock or poultry being slaughtered or the meat or poultry products being processed.

(k) "Official inspection mark" means the symbol formulated under the rules of the department to indicate that the meat, or poultry product was inspected pursuant to the department's rules.

(L) "Poultry" means any domesticated birds, including chickens, turkeys, geese, ducks, or guineas, but does not include captive game birds or ratites.

(n) "Veterinarian" means a graduate veterinarian of an accredited school of veterinary medicine who is qualified on the basis of training and experience, as determined by the department.

(2) License; certificate of registration. (a) Subject to pars. (b) and (bg), no person may operate an establishment without a valid license issued by the department. That license expires on June 30 annually, except that a license issued for a new establishment on or after March 30 but before July 1 expires on June 30 of the following year. No license may be issued unless the applicant has complied with the requirements of this section. The department shall establish by rule the annual license fees for establishments, not to exceed \$200, based on the type of mandatory inspection required to be performed at the establishment. The department shall establish a reduced annual license fee for those establishments engaged only in slaughtering uninspected livestock or poultry or processing uninspected meat or poultry products as a custom service, but not for other operations for which a license under this section is required. No person may be required to obtain a license under s. 97.29 or 97.30 for activities licensed under this section or for establishments inspected under 21 USC 451 to 472 and 601 to 695.

(b) Paragraph (a) does not apply to any person operating an establishment that only processes meat or poultry products for sale directly to consumers at retail on the premises where the products were processed, if only inspected meat or poultry products are permitted on the premises and sales to hotels, restaurants, and institutions are restricted to 25 percent of the gross annual value of meat or poultry product sales or the adjusted dollar limitation published by the federal department of agriculture under 9 CFR 303.1(d)(2)(iii)(b), whichever is less. No

person exempt from licensure under this paragraph may sell any cured, smoked, canned, or cooked meat or poultry products produced by that person to hotels, restaurants, or institutions.

(bg) Paragraph (a) does not apply to any person operating an establishment that meets the requirements under 9 CFR 303.1(d)(2)(iv)(c) or (e)(1), or 381.10(d)(2)(iv)(c) or (e)(1).

(c) No person may operate as a mobile processor without an annual registration certificate issued by the department, except that no registration certificate is required for a mobile processor who holds a license issued under par. (a). A registration certificate expires on June 30, annually. An application for an annual registration certificate shall be submitted on a form provided by the department and shall include information reasonably required by the department for registration purposes. The department shall promulgate rules regulating mobile processors, including rules related to facilities, sanitation, identification of carcasses, and record keeping.

(d) No person may operate as a meat broker or meat distributor without an annual registration certificate issued by the department, except that no registration certificate is required for a meat broker or a meat distributor who holds a license issued under par. (a). A registration certificate expires on June 30, annually. An application for an annual registration certificate shall be made on a form provided by the department and shall include information reasonably required by the department for registration purposes.

(3) State inspection. (a) Examination before slaughter. For the purpose of preventing the sale and use in this state of meat or poultry products that are adulterated or otherwise not capable of use as human food, the department shall cause to be made, by inspectors who may be veterinarians on either a full-time or part-time basis, under supervision of the department, an examination and inspection of all livestock and poultry before they are slaughtered in any establishment, except as provided in pars. (d) and (em). All livestock and poultry found to show symptoms of disease shall be condemned or set apart and slaughtered separately from all other livestock and poultry, and when so slaughtered the meat or poultry products thereof shall be subject to careful examination, inspection, and disposition, in accordance with rules issued by the department.

(b) Examination after slaughter. For the purpose stated in par. (a), the department shall cause to be made, by inspectors who may be veterinarians on either a full-time or part-time basis, under supervision of the department, an examination and inspection of the meat or poultry products of all livestock and poultry slaughtered at any establishment, except as provided in pars. (d) and (em). Meat or poultry products found to be not adulterated and capable of use as human food shall be marked, stamped, tagged, or labeled by inspectors as "Wis. inspected and passed". Inspectors shall mark, stamp, tag, or label as "Wis. inspected and condemned" all meat or poultry products found to be adulterated or otherwise not capable of use as human food, and all meat or poultry products so inspected and condemned shall be destroyed, in accordance with rules issued by the department. Inspection marks, stamps, tags, and labels shall be prescribed by the department and shall include thereon the identification number of the establishment assigned by the department.

(c) Reexaminations. Inspectors shall, when deemed advisable, reinspect meat or poultry products to determine whether they have become adulterated or otherwise not capable of use as human food. If any meat or poultry products, upon a reexamination, are found to be adulterated or otherwise not capable of use as human food, they shall be destroyed, in accordance with rules issued by the department.

(cm) Voluntary reimbursable inspection services. The department shall provide slaughter inspection services for licensed establishments for certain captive game animals and captive game birds, and shall designate by rule the species of captive game animals and captive game birds for which these services may be provided. The establishment requesting these services shall reimburse the department for the actual cost of providing the services at rates established by rule by the department.

(d) Custom service slaughtering. This subsection does not apply to livestock and poultry slaughtered as a custom service for the owner of the livestock or poultry exclusively for use by the owner, members of the owner's household, and the owner's nonpaying guests and employees, unless department inspection is specifically requested and performed at establishments where examinations before and after slaughter are otherwise required. The rules of the department shall make provision for the furnishing of this inspection service, subject to availability of inspector personnel, and for the identification of all livestock and poultry custom slaughtered for the owners thereof without department inspection.

(e) Periodic inspections. The department shall make periodic inspections of construction, operation, facilities, equipment, labeling, sanitation, and practices for ensuring meat or poultry products are not adulterated, at establishments or any other premises, including vehicles engaged in transportation of meat or poultry products. Inspection of products and plant operations shall cover operations such as cutting and boning, curing and smoking, grinding and fabrication, manufacturing, packaging, labeling, storage and transportation. Periodic inspections of processing operations shall be conducted as uniformly as possible among establishments subject to overtime inspection under sub. (4)(f) to avoid the imposition of undue inspection fees against any establishment. Inspections at overtime rates shall only be held where necessary to assure the safety of products for human consumption and compliance with the requirements of this section and rules of the department.

(em) Slaughter of farm-raised deer. The requirements of pars. (a) and (b) do not apply to the slaughter of a farm-raised deer if its meat products are not sold by an operator of a retail food establishment, as defined under s. 97.30(1)(c). The operator of an establishment in which farm-raised deer or their meat products are examined and inspected under this subsection shall pay the department for the cost of the department's examination and inspection.

(f) Label requirements. In addition to label requirements otherwise provided by law, meat or poultry products shall bear a label, stamp, mark or tag including thereon the official inspection mark and identification number of the establishment where processed. Meat or poultry products processed and sold at retail to household consumers on the premises do not require official inspection marks and identification numbers.

(4) Rules. The department may issue reasonable rules requiring or prescribing any of the following:

(a) The inspection before and after slaughter of all livestock and poultry killed or dressed for human consumption at any establishment.

(b) The inspection and marking of meat or poultry products intended for human consumption, and prohibiting the unauthorized use of any official inspection mark or simulation or counterfeit thereof.

(d) The seizure, retention, and destruction of any livestock or poultry or meat or poultry products which have not been inspected or passed or are adulterated or misbranded, for the purpose of preventing human consumption.

(e) The hours and days in each week when slaughtering or processing may be conducted in any establishment subject to a license under sub. (2). The schedules so fixed shall be as nearly as possible in accord with existing industry standards of establishments subject to inspection. However, in order to avoid excessive costs for inspection and stay within the limit of appropriations, the schedules may require that:

1. Slaughtering or processing be conducted continuously during successive days and hours of the regular workweek for state employees;

2. The rate of slaughter for the different classes of livestock and poultry conform to reasonable minimum levels per hour;

3. Inspection of livestock and poultry slaughtered as a custom service be restricted to the time of the regular slaughter schedule fixed for the establishment. When inspection is provided for custom slaughtering and custom processing the inspection shall be conducted in accordance with sub. (3)(a) to (c) and rules prescribed under this subsection; and

4. The department be notified a reasonable time in advance of any deviation from existing schedules or when slaughtering or processing is to be conducted at times other than those specified under regularly established schedules.

(em) The rate at which an operator of an establishment that slaughters farm-raised deer or processes the meat products of farm-raised deer shall pay the costs of examination and inspection under sub. (3)(em) and the manner in which the department shall collect those amounts.

(f) Overtime agreements with the department whereby the operator of any establishment subject to a license under sub. (2) agrees to pay the cost for salaries, at overtime rates, and other expenses of department inspectors whenever slaughtering, carcass preparation, or the processing of meat or poultry products is conducted beyond hours or days limited under par. (e), or on Saturdays, Sundays, or holidays for state employees under s. 230.35(4), or before 6 a.m. or after 6 p.m., or in excess of 40 hours in any week. Overtime charges for periodic inspections under sub. (3)(e) shall, insofar as possible, be limited to the minimum number of

hours reasonably required for conducting those inspections. The department may assess overtime charges under this paragraph even though the department provides compensatory time in lieu of overtime compensation under s. 103.025.

(g) Specifications and standards for location, construction, operation, facilities, equipment, and sanitation for any premises, establishment, or mobile facility where slaughter or processing is carried on, including custom slaughtering of livestock or poultry and custom or retail processing of meat or poultry products.

(h) Conditions of sanitation under which meat or poultry products shall be stored, transported, or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, transporting, or processing meat or poultry products.

(i) Record-keeping requirements for persons engaged in slaughtering or processing operations, or in the storage or transportation of meat or poultry products, including record-keeping requirements for meat brokers and the registration of meat brokers with the department.

(j) Any other rules reasonably necessary to the administration and enforcement of this section.

(4m) Federal requirements. The operator of an establishment that is required to be licensed under this section shall comply with federal requirements as provided in rules promulgated by the department.

(6) Prohibitions. (a) No person may slaughter any livestock or poultry for the purpose of selling the meat or poultry products thereof for human food, or sell, offer for sale, or have in his or her possession with intent to sell any meat or poultry products for human food, unless the livestock or poultry and the meat or poultry products thereof have been first inspected and approved as provided by any of the following:

1. This section and the rules issued thereunder.
2. The federal meat inspection act.
3. The federal poultry products inspection act.

(b) No person may sell, offer for sale, or have in his or her possession with intent to sell any meat or poultry products unless those products have been processed in accordance with this section or the federal meat inspection act.

(c) No person may slaughter horses, mules, or other equines or process equine carcasses or meat at establishments where livestock or poultry are slaughtered or where meat or poultry products are processed.

(d) No county or municipality may prohibit the sale of any meat or poultry products if the meat or poultry products are inspected and passed by the department or by the federal department of agriculture, provided the meat or poultry products are not adulterated or misbranded at the time of sale.



(7) Right of access. No person may prevent or attempt to prevent an inspector or other officer or agent of the department from entering, at any time, any establishment or any other place where meat or poultry products are processed, sold, or held for sale, for the purpose of any examination, inquiry, or inspection in connection with the administration and enforcement of this section. The examination, inquiry, or inspection may include taking samples, pictures, and documentary and physical evidence pertinent to enforcement of this section.

(8) Interference with inspection. Any person who forcibly assaults, threatens, obstructs, impedes, intimidates or interferes with any person while engaged in the performance of his or her official duties under this section shall be fined not more than \$5,000 or imprisoned in the county jail not to exceed one year or both.

(9) Tagging of facilities, equipment and product. (a) When in the opinion of the department, the use of any equipment, utensil, container, compartment, room, or facility which is unclean or unsanitary or improperly constructed could lead to contamination of a meat or poultry product, the department may attach a "Rejected" tag to the item, room, or facility. No equipment, utensil, container, compartment, room, or facility so tagged may be used until made acceptable and released by a department representative, or until that item, room, or facility is replaced with an acceptable item, room, or facility.

(b)1. When in the opinion of the department any meat or poultry product, or supplies or ingredients used in the processing thereof, may be adulterated or misbranded, or otherwise fail to meet standards or requirements of this section or rules adopted under this section, the department may tag the product, supplies, or ingredients with a "Retained" tag to hold them for further inspection, analysis, or examination. No meat or poultry product, supplies, or ingredients so tagged may be used, removed from the premises, or otherwise disposed of unless released by a department representative. A tagged item may not be retained for more than 30 days without prior notice to the owner or custodian and the right to an immediate hearing.

2. When in the opinion of the department any meat or poultry product, or supplies or ingredients used in the processing thereof, is adulterated or misbranded, or otherwise fails to meet standards or requirements of this section or rules adopted under this section, the department may tag the product, supplies, or ingredients with a "Detained" tag to hold them for destruction or other disposition. No meat or poultry product, supplies, or ingredients so tagged may be used, removed from the premises, or otherwise disposed of unless released by a department representative. A tagged item may not be destroyed or detained for more than 30 days without prior notice to the owner or custodian and the right to an immediate hearing.

(c) No person may alter, deface or remove any tag from facilities, equipment, products or supplies to which it has been attached by a department inspector without the express consent or approval of the inspector or other department representative.

(10) Suspension. The department may, upon written notice, summarily suspend the operations in whole or in part at any establishment for substantial violations of this section or rules issued hereunder when, in the opinion of the department, a continuation of the operation would constitute an imminent danger to public health. The department may, upon written notice,

summarily suspend inspection at any establishment for acts punishable under sub. (8) where those acts substantially impair an inspector's ability to conduct an orderly inspection. Upon suspension of operations or inspection, the operator of the establishment may demand a hearing to determine whether the suspension should be vacated. The department shall, within 5 days after receipt of the demand, hold a hearing and adjudicate the issues as provided in ch. 227. A demand for hearing does not operate to stay the suspension pending the hearing.

(11) Exemption. This section does not apply to owners of poultry with respect to poultry produced on the owner's farm, provided his or her sales do not exceed 1,000 birds annually, and the birds are labeled and tagged to identify the name and address of the producer and are marked "NOT INSPECTED". Persons processing more than 1,000 birds but less than 20,000 birds shall be fully subject to the provisions of this section relating to licensing, sanitation, facilities, and practices for ensuring product is not adulterated, except that, if the department determines that the protection of consumers from adulterated poultry products will not be impaired, it may exempt these persons from sub. (3)(a) and (b) provided the birds are labeled or tagged to identify the name and address of the producer and are marked "NOT INSPECTED".

(12) Substantial or repeated violations. The department may deny, revoke or suspend the license of any person for substantial or repeated violations of this section.

#### **97.43. Meat from dead or diseased animals**

(1) No meat from any diseased animal, or any dead animal as defined under s. 95.72(1)(c), may be sold or used for human consumption, or dismembered or stored at premises where other food is sold or prepared for sale.

(2) No carcass meat or other part of any animal shall be fed to food-producing animals or to animals used for human consumption unless it has been thoroughly rendered or cooked.

(3) Subsection (1) shall not apply to meat from animals affected by any disease which does not ordinarily render such meat unfit for human consumption, provided the animals so affected have been slaughtered in establishments where meat inspection is maintained under s. 97.42 or the federal meat inspection act.

(4) Whoever violates this section is guilty of a Class H felony.

#### **97.44. Identification of meat for animal feed; registration and records of buyers**

(1) No person shall buy, sell or transport any carcasses, parts thereof or meat or meat food products of any animals which are not intended for use as human food, unless they are denatured or otherwise identified as required by rules of the department or are naturally inedible by humans.

(2) Animal feed manufacturers and operators of fur farms, exempt from s. 95.72, shall register their names and business locations with the department if they engage in slaughtering animals

or in buying dead animals or parts of the carcasses of such animals. The department, by rule, may require that they keep records of their purchase and disposition of such animals and carcass parts.

(3) As used in this section, “animals” means cattle, sheep, goats, swine, equines, farm-raised deer, as defined in s. 95.001(1)(ag), and poultry, except in the phrase “animal feed manufacturers”.

### **97.56. Kosher meat**

(1) Under this section “kosher” means prepared in accordance with the Jewish ritual and sanctioned by Hebrew orthodox religious requirements.

(2) No person may, with intent to defraud, do any of the following:

(a) Sell or expose for sale any meat or meat preparation, whether raw or prepared for human consumption, and falsely represent the meat or meat preparation to be kosher, and as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements.

(b) Falsely represent any food product or the contents of any package or container to be kosher and as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements, by having or permitting to be inscribed on the package or container the word “kosher” in any language.

(c) Sell or expose for sale in the same place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, unless all of that person’s window signs and display advertising indicate, in block letters at least 4 inches in height, “Kosher and Nonkosher Meat Sold Here”.

(d) Expose for sale in any show window or place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, unless the person displays over each kind of meat or meat preparation so exposed a sign in block letters at least 4 inches in height reading “Kosher Meat”, or “Nonkosher Meat”, as the case may be.

(3) No person, with intent to defraud, may do any of the following:

(a) Sell or expose for sale in any such restaurant or other place where food products are sold for consumption on the premises, any article of food or food preparations that is falsely represented to be kosher and as having been prepared in accordance with the orthodox Hebrew religious requirements.

(b) Sell or expose for sale in any restaurant or other place both kosher and nonkosher food or food preparations for consumption on the premises when not prepared in accordance with the Jewish ritual and not sanctioned by the Hebrew orthodox religious requirements, unless the

person's window signs and display advertising state, in block letters at least 4 inches in height, "Kosher and Nonkosher Food Served Here".

#### **97.60. Coordination; certification**

(1) The department shall enter into memoranda of understanding with other state agencies to establish food protection measures.

(2) The department shall promulgate rules that establish a food sanitation manager certification program.

(3) The department shall accept relevant education, training, instruction, or other experience that an applicant has obtained in connection with military service, as defined in s. 111.32(12g), to count toward satisfying any education, training, instruction, or other experience requirement in the food sanitation manager certification program established under sub. (2) if the applicant demonstrates to the satisfaction of the department that the education, training, instruction, or other experience that the applicant obtained in connection with his or her military service is substantially equivalent to the education, training, instruction, or other experience that is required to obtain an initial certificate under the food sanitation manager certification program.